

## EXCHANGE OF LANDS IN NEW MEXICO WITHIN MORA GRANT

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FEBRUARY 24, 1925.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

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Mr. MORROW, from the Committee on the Public Lands, submitted the following

### REPORT

[To accompany S. 3883]

The Committee on the Public Lands, to whom was referred S. 3883 providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, and Taos Counties, N. Mex., within the Mora grant, and adjoining one or more national forests, by exchanging therefor timber, within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona, having considered the same, reports thereon favorably and recommends that the bill do pass with the following amendments:

Page 2, line 4, after the word "therefor" insert the words "to patent not to exceed an equal value of national forest lands in that State or."

Page 2, line 13, after the word "Agriculture" insert the following proviso:

*Provided*, That the consent and approval of the Governor of Arizona shall first have been secured before any timber is given in exchange in the State of Arizona under this act.

Page 3, strike out all of section 4 and insert:

Before any such exchange is effected notice of the contemplated exchange reciting the lands involved shall be published once each week for four successive weeks in some newspaper of general circulation in the county or counties in which may be situated the lands to be accepted, and in some like newspaper published in any county in which may be situated any lands or timber to be given in such exchange.

The recommendations of the Interior Department and the Department of Agriculture are indicated by the reports submitted by them; copies of which are made a part of this report.

DEPARTMENT OF THE INTERIOR,  
Washington, January 22, 1925.

Hon. E. F. LADD,  
*Chairman Committee on Public Lands,  
United States Senate.*

MY DEAR SENATOR LADD: In reply to your request for report upon S. 3883, for the acquirement by the United States of privately owned lands within the Mora grant, New Mexico, by exchanging therefor timber within the exterior boundaries of national forests within the States of New Mexico and Arizona, I have to advise that this is a matter primarily for consideration by the Secretary of Agriculture, as it relates solely to national forests and privately owned lands.

If the legislation is desired by the Secretary of Agriculture, this department is aware of no objection thereto.

Sincerely yours,

HUBERT WORK, *Secretary.*

DEPARTMENT OF AGRICULTURE,  
Washington, February 2, 1925.

Hon. E. F. LADD,  
*Chairman Committee on Public Lands and Surveys,  
United States Senate.*

DEAR SENATOR LADD: I have your letter of January 24, with a request that the department submit a report upon the bill (S. 3883) providing for the acquirement by the United States of privately owned lands in San Miguel, Mora, and Taos Counties, N. Mex., within the Mora grant, and adjoining one or more national forests, by exchanging therefor timber, within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona.

This bill would permit the owners of private lands within the Mora grant located in the counties of San Miguel, Mora, and Taos to offer their holdings to the Government and to receive in exchange equal values of timber to be cut within the national forests of the States of New Mexico and Arizona. The values in each case are to be determined by the Secretary of Agriculture and acceptable to the grantors as fair compensation; timber to be given by the Government to be cut under laws and regulations applicable to the national forests.

Section 2 provides that lands to be conveyed to the Government not covered by public land surveys or identified by surveys of the United States shall be identified by surveys made by employees of the United States Forest Service and approved by the United States surveyor general. Section 3 provides that the lands accepted by the United States shall become parts of either the Carson or the Santa Fe National Forest, as the Secretary of Agriculture may determine. Section 4 directs that before any exchange of lands for timber, as provided above, is executed, notice of such exchange proposal, describing the areas involved, shall be published once each week for four consecutive weeks in some newspaper of general circulation in the county in which such lands so to be conveyed to the United States are situated.

This proposed measure follows the general form of the national forest exchange act of March 20, 1922 (42 Stat. 465), and the special act of January 12, 1925 (Public, No. 319, Sixty-eighth Congress), relating to the Santa Barbara grant. These acts limit the exchanges to lands or timber within the same State. The bill S. 3883 would authorize the selection of national forest timber in the State of Arizona as well as the State of New Mexico, in which the Mora grant is situated. It would also limit the Government to give in exchange only national forest timber.

The department feels that where exchanges are consummated with owners of private lands within a national forest the land or timber given therefor should be located within the same State as the offered lands, in order to maintain the same balance of taxable values. Experience has also shown that in many cases those who offer their lands in exchange would prefer to select other lands for them. The bill as now written would not permit land exchanges. It is believed, therefore, that it should be amended in these two particulars. In order to accomplish this, it is suggested that the words "to patent not to exceed an equal value of national-forest land in that State or" be inserted in line 5, page 2, following the word "therefore"; that the word "therein" be inserted in line 7, following the word "forests;" and that the words "of the State of New Mexico or of the

State of Arizona," in lines 7 and 8, be stricken out. It is also suggested that in line 3, page 3, the word "or" be substituted for the word "for." The title should be correspondingly changed by adding the words "lands or" after the word "therefor" and by striking out "or the State of Arizona."

The Mora grant contains lands which are chiefly valuable for timber production, and their acquisition by the Government would enable the department to consolidate natural units for national-forest administration. It is therefore recommended that the bill with the proposed amendments receive favorable consideration by your committee.

Sincerely yours,

HOWARD M. GORE, *Secretary*.

FEBRUARY 24, 1925.

HON. CARL HAYDEN,  
*House of Representatives.*

DEAR MR. HAYDEN: In reference to your telephonic communication to the Forest Service regarding the bill S. 3883, which provides for the acquirement by the United States of privately owned lands in San Miguel, Mora, and Taos Counties, N. Mex., within the Mora grant and adjoining one or more national forests, by exchanging therefor timber within the exterior boundaries of any national forest situated within the State of New Mexico or the State of Arizona.

This bill was submitted to me for report by the chairman of the Senate Committee on Public Lands and Surveys on January 24, and in my report thereon, dated February 2, I gave approval to the general purpose of the bill, but called attention to the fact that it would authorize the selection of national forest timber in the State of Arizona as well as the State of New Mexico, in which the Mora grant is situated, and I emphasized the feeling of the department that where exchanges are consummated with owners of private lands within a national forest the land or timber given therefor should be located within the same State as the offered lands in order to maintain the same balance of taxable values. I therefore suggested that the words "or the State of Arizona" should be stricken out of the bill. It now appears that this proposed deletion would greatly increase the difficulties of consummating an exchange such as contemplated by the act, and your query, as understood by the Forest Service, is whether some equitable arrangement could not be worked out whereby national forest timber could be selected in the State of Arizona as well as the State of New Mexico, in which the base lands are located.

I am advised by the Forest Service that possibly this might be done through the allocation to the counties affected of other funds available for local purposes. However, to absolutely determine the ways and means will require some time for investigation. Since this department is not opposed to the measure introduced by Senator Bursum, except so far as it is necessary to safeguard the interests of the State of Arizona, may I suggest that the bill be amended by adding at the end of section 1, page 2, line 14, the following additional language:

"*Provided*, That no national forest timber situated in the State of Arizona shall be cut or removed under the provisions of this act except with the prior concurrence and approval of the governor of said State."

Of course, the Governor of Arizona would not give his approval and concurrence to the removal of stumpage except under conditions which would be fair to the counties concerned and to the State. I therefore feel that with such an amendment to the bill as introduced I could give it my hearty approval.

Sincerely yours,

HOWARD M. GORE, *Secretary*.

